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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/611,659

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Mohamed Al-Kaabi

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EXAMINER

LE, MARK T

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,659

Applicant(s)

AL-KAABI ET AL.

Examiner

Mark T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/24/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 2,9,12-29,36,37,39-41 and 43-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11,30-35,38 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the amendment papers filed on January 24, 2005. Applicant's amendments and remarks have been carefully considered.
2. Claims 1, 3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishida (US 5,343,812).

Ishida, Figure 1 or 2, shows a multi-unit articulated railroad car as recited in the instant claims, including articulated connectors with female and male portions 12, 14 on trucks 13; wherein, the articulated connectors are in a symmetrical arrangement relative to the transverse centerline of the car as claimed.

3. Claims 1, 3-5, 7-8, 10-11, 30-32, 38 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (US 3,399,631).

Weber, Figures 1 and 2, shows a multi-unit articulated railroad car as recited in the instant claims, including side bearing arms 73, 74, 76, 77, articulated connectors 11 with female and male portions 18, 17 on trucks 9, 10; and the articulated connectors 11, as shown in Figure 1, and the side bearing arms, as shown in Figure 2, are in symmetrical arrangements relative to the transverse centerline as claimed.

4. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US 3,399,631).

Weber is applied above.

Regarding the instant claimed distances or range of distances between the side bearing arms, as recited in instant claims 33-35, it is noted that a greater distance between the side bearing arms would yield a greater support against side swaying;

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however, such greater distance would require longer side bearing arms units which may not be so desirable; on the other hand, a shorter distance between side bearing arms would yield the opposites of the above. Accordingly, as a matter of common sense, it would have been obvious to one skilled in the art to select a distance, such as the claimed distance, between the side bearing arms of Weber so as to achieve a desired balance between the swaying factor and the feasible side bearing arm length.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US 3,399,631) in view of Pileggi (US 5,207,161).

Weber is applied above.

Regarding the car unit having a well for accommodating intermodal cargo, consider the car units of Pileggi. In view of Pileggi, it would have been obvious to one skilled in the art to configure the car units of Weber as well car units, similar to that taught by Pileggi, so as to allow accommodation of intermodal cargo.

6. Responses to Applicant's Arguments:

As to Applicant's comment on the restriction requirement, note that the restriction requirement was made FINAL in the previous Office action.

Regarding Applicant's arguments on the enablement of U.S. Patent 5,343,812 to Ishida, note that every patent is presumed to be valid, and Office personnel is not to express opinion on the validity of a patent. See MPEP 1701.

Regarding Applicant's argument directed to Weber (US 3,399,631), note that the language of the instant claims is not specific enough to define the instant claimed invention over the prior art. Note for example, the expression "comprising an un-even

number" does not exclude an even number; and the term "a railcar unit" may consist of a single car or multiple cars that are connected and grouped as a railcar unit. In the instant case, as shown in Figure 1 of Weber, car 4 is readable as one end unit; cars 5 and 6 are connected and grouped together as an intermediate railcar unit; and car 7 is readable as the other end unit. Accordingly, Figure 1 of Weber shows a railcar arrangement that includes three railcar units - two end units (4,7) and an intermediate unit (5,6). As to Applicant's arguments directed to Figure 13 of Weber, note that Figure 13 of Weber is directed to a different arrangement of the articulated connectors; therefore, the arguments are deemed moot. Note that in the above ground of rejection based on Weber, the embodiment being directed to is shown in Figures 1 and 2 of Weber; wherein, the articulated connectors 11, mounted on trucks 9 and 10 that support the railcar units, are in a symmetrical arrangement relative to the transverse centreline that passes through the intermediate railcar unit, which comprises cars 5 and 6.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

mle
4/2/05